

1 JAMES A. LASSART (SBN 40913)
NICHOLAS C. LARSON (SBN 275870)
2 MURPHY, PEARSON, BRADLEY & FEENEY
88 Kearny Street, 10th Floor
3 San Francisco, CA 94108
Telephone: (415) 788-1900
4 Facsimile: (415) 393-8087
Email: JLassart@mpbf.com
5 NLarson@mpbf.com

6 Attorneys for Defendant
LELAND YEE
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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION
11

12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 v.

15 LELAND YEE,

16 Defendant.
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Case No. CR 14-00196-CRB-2 (JCS)

**DECLARATION OF JAMES A. LASSART
IN SUPPORT OF DEFENDANT LELAND
YEE'S MOTION TO SUPPRESS
EVIDENCE DERIVED FROM WIRETAP
INTERCEPTIONS, OR IN THE
ALTERNATIVE FOR A *FRANKS*
HEARING**

HEARING DEMANDED

Date: April 30, 2015
Time: 9:30 a.m.
Court: Hon. Charles R. Breyer
Location: Courtroom 6, 17th Floor

DECLARATION

I, James A. Lassart, declare that:

1. I am an attorney duly licensed to practice in all courts of the State of California, and am a Partner of the law firm of Murphy, Pearson, Bradley & Feeney, attorneys of record for Defendant Leland Yee herein. I make this Declaration in Support of Defendant Yee's Motion to Suppress Evidence Derived From Wiretap Interceptions. I have personal knowledge of the information set forth herein below, unless noted as based on information and belief, all of which is true and correct of my own personal knowledge, and if called upon to testify, I could and would competently testify thereto.

2. The government has produced tens of thousands of audio recordings in this case, including recordings of thousands of calls intercepted from Defendant Yee's phones. The government additionally produced 'linesheets' that purport to summarize certain of the intercepted calls.

3. My Associates and I have reviewed the linesheets of the conversations summarized by the government. Selected of those linesheets, numbered US 808785-US808787 and 808379-808381, are attached hereto as Exhibit A.

4. In connection with the instant motion to suppress, and in order to attempt to discern the standard applied by the government in determining wire interceptions were the only method of investigation that would be successful, my Associates and I have reviewed the Applications and Affidavits submitted by the government to this court from November 13, 2012 through July 1, 2013. These Applications and Affidavits are attached hereto as Exhibits B-F.

5. Based on these Applications and Affidavits, my Associates and I created a chart containing the generic, boilerplate language the government used which carried over through each Application. That chart is attached hereto as Exhibit G.

6. My Associates and I have reviewed the 'interim reports' filed by the government in connection with the wiretap of Defendant Yee's phones. These interim reports purport to describe the number of 'pertinent' calls intercepted during the period covered by the particular report. These interim reports are attached hereto as Exhibits H-L.

7. Based on the interim reports filed by the government with respect to the wiretap on Defendant Yee's phone, my Associates and I tabulated the following information, contained in the

1 instant motion:

2 Total number of calls intercepted: 6929

3 Number of calls deemed pertinent: 573

4 Number of calls minimized: 665

5 I declare under penalty of perjury under the laws of the United States of America that the
6 foregoing is true and correct and that this Declaration was executed on this 26th day of March 2015, in
7 San Francisco, California.

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9 /s/ JAMES A. LASSART
James A. Lassart